IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO. 3687 OF 2007.
IN
SUIT NO.1716 OF 1995.

Anup Babulal Shah. ... Plaintiff.
Versus.
Suraj Mukhi Market Media
Pvt.Ltd. and another. ... Defendants.

Ms.A.H.Masand for the Plaintiff in support of Notice of Motion.

None for the Defendants.

CORAM : ABHAY S.OKA, J.

DATED : 30th October, 2007.

P.C.:

1. Heard the learned Advocate appearing for the Plaintiff in support of the Notice of Motion. When the suit was listed on board on 10th September 2007 under the caption "For want of written statement", none appeared for the Plaintiff. Hence the suit was dismissed in default.

2. In paragraphs 5 to 8 of the affidavit-in-support, the Plaintiff has set out the reasons for non-appearance on 6th September 2007 and 10th September 2007. In view of what is stated in affidavit-in-support, a case for restoration is made out. Accordingly the Notice of Motion is made absolute in

terms of prayer clause (a). The suit shall be set down under the caption "For want of written statement" on 6th December 2007. The Advocate on record for the Plaintiff will give intimation of the date fixed to the Advocate on record for the 2nd Defendant.

Judge.